



January 29, 2025

Via ECF

Honorable Laura Taylor Swain  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

## MEMO ENDORSED

**Re: *Automated Management Systems, Inc. v. Rappaport Hertz Cherson Rosenthal, P.C., et al.*, 16-cv-04762(LTS)(JEW)**

Dear Judge Swain:

Pursuant to Your Honor's Individual Practices Rules, subject to the position of the Defendants set forth below, I am writing on consent of all parties to: (a) seek a one-week extension of the Final Pretrial Conference date currently scheduled for January 31, 2025; (b) and to seek a one-week extension of the papers due regarding the January 7, 2025 Order to Show Cause so that it coincides with the postponed Final Pretrial Conference date.<sup>1</sup>

There is good cause for an extension. First, since the time that the Court granted the last extension, the parties have continued to make substantial progress towards settlement. In that regard, just yesterday, attorney William Rand filed a notice of limited appearance for Defendant Rakamaric, and discussions with Mr. Rand today were very productive, thus increasing the chances of settlement. Second, Mr. Catafago continues to deal with a very serious health issue in his family. Third, given the substantial progress towards settlement, it would be a waste of judicial resources to require a conference on Friday or the submission of papers on Friday.

The Defendants consent to this joint motion, but with an important condition. In the Defendants' view, given the unanimous view that the Final Pretrial Conference should be postponed, it is now not only impractical to keep the current trial date of February 12, 2025, but the Defendants would be prejudiced if the trial date is not postponed. Thus, Defendants only agree to postpone the Friday conference and to further extend briefing on the order to show cause on the condition that the trial date be postponed to a mutually convenient date in March or April, once we ascertain the Court's availability. In that regard, while the Plaintiffs' counsel is optimistic regarding settlement and does not want to lose a trial date, these concerns can be most reasonably addressed by having a modest postponement of a tentative trial until, for example, March. This would allow the parties to calmly work out the final issues of settlement, without imposing the prejudice of having an impending trial scheduled for which the exhibits and other pretrial steps cannot take place now that all parties agree to focus on settlement.

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<sup>1</sup> This is the second request for an extension. The first request was granted.

We thank the Court for its consideration.

Respectfully submitted,

/s/ Tom M. Fini

Cc: All counsel of record (via ECF)

The foregoing requests are granted. The final pretrial conference in this action is adjourned to February 7, 2025, at 11:00 a.m., in Courtroom 17C. The respective deadlines for the parties to respond to the Court's January 7, 2025 Order to Show Cause are extended an additional week. The bench trial scheduled to begin February 12, 2025, is adjourned pending rescheduling. SO ORDERED.

/s/ Laura Taylor Swain, Chief U.S.D.J.

Dated: January 30, 2025